



PERMIT TO CONDUCT RIGHT-OF-WAY HERBICIDE TREATMENT.

Permit number: ROW_2023_01

Effective April 19, 2023

Office of the Secretary, Anson B. Tebbetts

www.agriculture.vermont.gov

116 State Street • Montpelier, Vermont 05620-2901 • (802) 828-5667 • (802) 828-1410 fax

Permittee: Vermont Agency of Transportation (VTRANS), 1736 US Rt 302, Berlin, VT 05602
(802) 498-4947

[Contact Person: Jennifer Callahan]

Permit conditions:

1. The permittee shall contact the Agency of Agriculture, Food & Markets (the Agency) one business day prior to initiating this permit.
2. Each application crew, including sub-contractors, working under this permit shall coordinate one use inspection with the Agency.
3. This permit authorizes the use of herbicides this year for weed, brush and stump treatment along the State Highway system; for maintenance activities in state-owned rest areas; and other safety and worker safety concerns in these areas. This permit does not allow for treatment to control terrestrial invasive plant species unless required for operator or worker safety, or in compliance with specified conditions in appendix of this permit. This permit in no way authorizes the applicant to use pesticides on real estate where it has no lawful right to do so.
4. All guardrail applications shall include a spray additive to control drift.
5. At least two certified applicators shall be members of each application crew. All label recommendations and requirements for protective clothing shall be adhered to for all applicators.
6. Proof of public notification as detailed in the permit application shall be provided to the Agency, upon request, as proof that the notification occurred (e.g., copies of newspaper tear sheets, invoices).
7. Pesticides shall not enter the waters of the State. Buffers to water are as follows, unless the product label prescribes a greater buffer:
 - a. Applications made **parallel** to surface water shall have a visible limit of 10 feet from the edge of the water when spraying glyphosate-only products, or a visible distance of 15 feet when spraying any other permitted products or mixture thereof.
 - b. Applications made at a surface water **crossing** shall have a visible limit of 30 feet from the water's edge.

- c. Handheld or backpack sprayer applications of glyphosate-only products that have aquatic sites listed on the label may be made to within two feet of surface water where required for maintenance activities or public health concerns.
8. Public and potable (non-public) water sources are to be avoided.
- a. Applications shall not be made within 200 feet of a public or potable water source, as identified by the Vermont ANR Atlas, through well owner notification to permittee, or identified in the field.
- i. Buffer can be reduced to within 100 feet of a public non-community groundwater drinking water source.
- ii. Buffer can be reduced to within 100 feet of potable water sources in bedrock or confined surficial aquifers.
9. A copy of this permit and accompanying digital or electronic maps identifying surface waters and both public and potable water sources shall be provided to the applicator for use during application.
10. Routine operational records as required by the Vermont Rule for Control of Pesticides shall be submitted by the pesticide applicator to the Agency on a weekly basis.

Records shall be submitted electronically to:

morgan.griffith@vermont.gov

11. The following pesticides may be applied up to the rates listed below and in accordance with the label:

| Product name | EPA registration number | Rate not to exceed* |
|--|--------------------------------|--|
| Garlon 4 Ultra | 62719-527 | 1.25 gal per acre |
| Garlon 3A | 62719-37 | 2/3 gal per acre |
| Oust Extra | 432-1557 | 4 oz per acre |
| Escort XP | 432-1549 | 1/3 oz per acre |
| Krenite S | 42750-247 | 2 gal per acre |
| Rodeo | 62719-324 | 1 gal per acre |
| Polaris | 228-534 | 1.5 lbs of imazapyr (6 pints) per year or 700 stems per acre |
| Roundup Custom | 524-343 | 1 gal per acre |
| *Handheld or backpack treatments may use the above permitted products up to the labeled rate at a labeled site | | |

12. Treatment for stump removal in ledge can be done under the following conditions:

- a. Applications must be made by cut stump surface treatment or cut stump injection methods.
 - b. Applications must be made with Garlon 3A in compliance with the product label.
 - c. Applications must be made by a Vermont certified applicator in Category 6, ROW vegetation management.
 - d. Notifications to the Agency must be made one business day prior to initiation of application, unless other arrangements have been allowed by the Agency.
 - e. A project use pesticide report will be submitted to the Agency upon completion, containing; product used, amount applied, date of application, and applicator name and company.
 - f. The Agency may observe and inspect any applications made. The Agency staff will comply with Agency of Transportation safety requirements.
13. In the event the permittee sub-contracts or assigns any of the applications authorized by this permit, the permittee shall continue to remain responsible for the conditions of this permit. This condition does not relieve any sub-contractor or assignee from compliance.
14. All operations shall be conducted in accordance with the representations made by the permittee in its permit application under these permit conditions unless, and until, the permit is amended.
15. The Secretary reserves the right to further limit or restrict the application of pesticides approved under this permit as conditions or circumstances warrant.

This application was published for public comment and forwarded with recommendation to the Secretary.

Effective date April 19, 2023

Expiration date December 31, 2023

DocuSigned by:

Anson Tebbetts

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Anson B. Tebbetts, Secretary
Agency of Agriculture, Food & Markets

Appendix 1.

In instances where control and eradication of non-native terrestrial invasive species (NNIS) is *required* under another permit or memorandum of agreement (MOA), treatment may be made if the following conditions are met:

- VTRANS complies with all other portions of its Pesticide Use Impact Assessment (PUIA) and Integrated Vegetation Management Plan (IVMP).
- VTRANS must have a permit condition or MOA issued agency which requires NNIS control. The condition in the permit or MOA must be reasonable based on the site conditions.
- All applications shall be done by a Vermont certified pesticide applicator, in category 6 (ROW).
- Chemical control cannot be used to treat NNIS;
 - In areas where NNIS are already in existence (not ‘pioneer species’); and/or
 - In areas where the NNIS is unlikely to have been introduced by VTRANS
- Chemical control of ‘pioneer species’ must have demonstrated efficacy, in a target, small-scale treatment.
- VTRANS must have documentation of introduction of pioneer species from pre-construction survey/work.
- Only NNIS that are on the noxious weed list may be chemically controlled.
- VTRANS may not chemically treat on property it has no legal right to.

These provisions are in no way to be construed for the use of chemicals to treat NNIS in ROWs where there are no line-of-sight, structural, and worker safety concerns *or* permit *or* MOA requirements.

Pesticide program manager at VTRANS, shall consult with and notify the pesticide program at the Agency of Agriculture, Food and Markets about control measures to be used (product, timing, size) when treating under another state, federal permit or MOA condition.